

IN RE: PETITION FOR ZONING VARIANCE  
NE/S Delrey Avenue, 65' SE of  
the c/l of Lavonia Place  
(11 Delrey Avenue)  
1st Election District  
1st Councilmanic District  
Don Bohnet, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 91-89-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an existing accessory structure (swimming pool with attached deck) to be located in the front and side yards in lieu of the required rear yard, an existing 5-foot high residential occupancy fence to be located in the side yard of a lot which adjoins another front yard with a setback of 3 feet in lieu of the required 20 feet, and to amend the previously approved site plan in Case No. 89-555-A, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Bridget L. Bohnet, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 11 Delrey Avenue, consists of 0.310 acres zoned D.R. 5.5 and is improved with a two-story single family dwelling and a swimming pool with an attached deck in the side yard. Petitioners were issued a stop work order during construction of the swimming pool deck due to the lack of proper permits and were advised to file the instant variance Petition. Testimony indicated that the swimming pool could not be erected in the rear yard as required as it is only 20 feet deep. Further testimony indicated that the pool was erected in its present location to retain two silver maple trees over 60 feet tall and because this particular location is at a lower elevation and

therefore less visible to adjoining properties. Petitioner testified that strict compliance with the zoning regulations would not have permitted the subject pool on any portion of the property. As for the privacy fence, Petitioner testified the fence was erected for security reasons and its placement does not create any detriment to the health, safety or general welfare of the surrounding community. Petitioners are also desirous of constructing an open deck on the rear of the existing dwelling as depicted on Petitioner's Exhibit 1.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of October, 1990 that the Petition for Zoning Variance to permit an existing accessory structure (swimming pool with attached deck) to be located in the front and side yards in lieu of the required rear yard, an existing 5-foot high residential occupancy fence to be located in the side yard of a lot which adjoins another front yard with a setback of 3 feet in lieu of the required 20 feet, and to

amend the previously approved site plan in Case No. 89-555-A, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

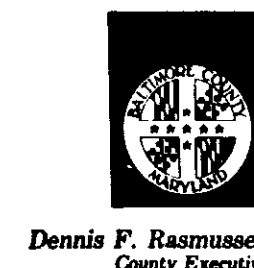
1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

AMN:bjs

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(801) 887-3353

October 30, 1990



Dennis F. Rasmussen  
County Executive

Mr. & Mrs. Don S. Bohnet  
11 Delrey Avenue  
Catonsville, Maryland 21228

RE: PETITION FOR ZONING VARIANCE  
NE/S Delrey Avenue, 65' SE of the c/l of Lavonia Place  
(11 Delrey Avenue)  
1st Election District - 1st Councilmanic District  
Don S. Bohnet, et ux - Petitioners  
Case No. 91-89-A

Dear Mr. & Mrs. Bohnet:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ

Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs

cc: People's Counsel

File

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-89-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 To permit an accessory structure (swimming pool & deck) in the front & side yard in lieu of the required rear yard. AND Section 427 To permit an existing 5 ft. high residential occupancy fence to be located in the side yard of a lot which adjoins another front yard with a setback of 3 ft. (40 ft. in lieu of the required 20 ft.) Also to amend the previously approved plan in Zoning Case #89-555-A.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) The rear yard of the property is only 20 feet wide, therefore too narrow to permit an above ground swimming pool. However, the side yard part of the front yards are over 6,700 square feet in size. The pool was placed partially in the front yard to retain two silver maple trees over 60 feet tall. The pool also was erected in the lowest part of the yard to minimize the visibility of the pool to the neighbors. Strict compliance would not have permitted a pool despite a large available yard.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

City and State

Attorney's Telephone No.:

Legal Owner(s):

Bridget L. Bohnet

(Type or Print Name)

Signature

Don S. Bohnet

(Type or Print Name)

Signature

Don S. Bohnet

(Type or Print Name)

11 Delrey Avenue 744-0045

Address Phone No.

Catonsville, MD 21228

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Bridget L. Bohnet

Name

11 Delrey Avenue 744-0045

Address Phone No.

ORDERED BY The Zoning Commissioner of Baltimore County, this 29 day

of 10 1990, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-

out Baltimore County, that property be posted, and that the public hearing be had before the Zoning

Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore

County, on the 24 day of Oct 1990, at 2 o'clock

County, on the 24 day of Oct 1990, at 2 o'clock

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ZONING DESCRIPTION  
1st ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND

91-89-A

Beginning on the northeast side of Delrey Avenue, 50 feet wide, at a distance of 65 feet southeasterly from the centerline of Lavonia Place. Being lots 127, 128, 129 and the northernmost half of lot 126 in the subdivision of East Catonsville. Flat Book J.W.S. No. 1, Folio 215. Also known as #11 Delrey Avenue

Containing 13,492 square feet or 0.310 of an acre of land, more or less.

This description is intended for zoning purposes only and not for the conveyance of title.

Small 82.14/44

Russell R. Klages  
Registered Land Surveyor  
Maryland #8685  
April 4, 1989



Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number: 3125

Date: 8/07/90

H9100050

PUBLIC HEARING FEES QTY PRICE  
010 - ZONING VARIANCE (1RL) 1 X \$35.00  
TOTAL: \$35.00

LAST NAME OF OWNER: BOHNET

0404W0060M1CHRC \$35.00  
BA 0009:04A008-07-90

Please make checks payable to: Baltimore County

Cashier Validation:

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 1st  
Posted for: 14 days  
Petitioner: Don Bohnet et ux  
Location of property: NE/S Delrey Avenue, 65' SE of c/l Lavonia Place  
Location of Sign: In front of 11 Delrey Avenue  
Remarks: S. J. Orato  
Posted by: S. J. Orato  
Number of Signs: 1  
Date of Posting: October 2, 1990  
Date of return: October 5, 1990

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9-27, 1990

NORTHEAST TIMES BOOSTER and the  
NORTHEAST TIMES REPORTER

S. Zeke Orato  
Publisher

\$92.54

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10-3, 1990  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9-27, 1990

THE JEFFERSONIAN

S. Zeke Orato  
Publisher

\$92.54



**Baltimore County**  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
(301) 887-3353

**receipt**

Account: R-001-6150  
Number: N2 3733

Date: 10/23/90  
M9100346

PUBLIC HEARING FEES QTY PRICE  
080 POSTING SIGNS / ADVERTISING 1 X \$117.54  
TOTAL: \$117.54

LAST NAME OF OWNER: BOHNET

04404WD10GRICHARD \$117.04  
SA C00Y 133PM10-24-90  
Baltimore County

Cashier Validation: Please make checks payable to: Baltimore County

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

DATE OCT 19 1990

Mr. & Mrs. Don S. Bohnet  
11 Delrey Avenue  
Catonsville, Maryland 21228

Re: Petition for Zoning Variance  
CASE NUMBER: 91-89-A  
NE/S Delrey Avenue, 65' SE of c/l Lavonia Place  
11 Delrey Avenue  
1st Election District - 1st Councilmanic  
Petitioner(s): Don Bohnet, et ux  
HEARING: WEDNESDAY, OCTOBER 24, 1990 at 2:00 p.m.

Dennis F. Rasmussen  
County Executive

Dear Petitioners:

Please be advised that \$ 117.54 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING ON THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER

JRH:gs

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

9/7/90



Dennis F. Rasmussen  
County Executive

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance

CASE NUMBER: 91-89-A.

NE/S Delrey Avenue, 65' SE of c/l Lavonia Place

11 Delrey Avenue

1st Election District - 1st Councilmanic

Petitioner(s): Don Bohnet, et ux

HEARING: WEDNESDAY, OCTOBER 24, 1990 at 2:00 p.m.

Variance: To permit an accessory structure (existing pool & deck) in the front and side yard in lieu of the required rear yard AND to permit an existing 5 ft. high residential occupancy fence to be located in the side yard of a lot which adjoins another front yard with a setback of 3 ft. in lieu of the required 20 ft. AL50 to amend the previously approved plan in Zoning Case #89-555-A.

In the event that this Petition is granted, a building permit ~~may~~ be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

Baltimore County  
Fire Department  
700 East Joppa Road, Suite 901  
Towson, Maryland 21204-5500  
(301) 887-4500

Paul H. Reincke  
Chief

AUGUST 28, 1990



Dennis F. Rasmussen  
County Executive

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: DON S. BOHNET, ET UX

Location: #11 DELREY AVENUE

Item No.: 50 Zoning Agenda: AUGUST 28, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Paul H. Reincke Noted and Approved Paul H. Reincke  
Fire Prevention Bureau  
Special Inspection Division

JK/KEK

### BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner

DATE: August 23, 1990

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Bridget L. Bohnet, Item No. 50

The Petitioner requests a Variance to permit an accessory structure in the front and side yard in lieu of the required rear yard and to permit an existing 5 ft. high residential occupancy fence to be located in the side yard of lot which adjoins another front yard with a setback of 3 ft. in lieu of the required 20 ft., and to amend the previously approved plan in Zoning Case No. 89-555-A.

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM50/ZAC1

RECEIVED  
SEP 6 1990

ZONING OFFICE

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner



Dennis F. Rasmussen  
County Executive

Your petition has been received and accepted for filing this  
29th day of August, 1990.

J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:

James E. Dyer  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Don S. Bohnet, et ux

Petitioner's Attorney:

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

October 15, 1990



Dennis F. Rasmussen  
County Executive

Mr. & Mrs. Don S. Bohnet  
11 Delrey Avenue  
Catonsville, MD 21228

RE: Item No. 50, Case No. 91-89-A  
Petitioner: Don S. Bohnet, et ux  
Petition for Zoning Variance

Dear Mr. & Mrs. Bohnet:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,  
James E. Dyer  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE  
August 27, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING  
FROM: Paul H. Reincke CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

SUBJECT: ZONING ITEM #: 50  
PROPERTY OWNER: Don S. Bohnet, et ux  
LOCATION: NE/S Delrey Avenue, 65' S of Lavonia Place  
(#11 Delrey Avenue)  
ELECTION DISTRICT: 1st  
COUNCILMANIC DISTRICT: 1st

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

( ) PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

( ) PARKING LOCATION ( ) RAMPS (degree slope)  
( ) NUMBER PARKING SPACES ( ) CURB CUTS  
( ) BUILDING ACCESS ( ) SIGNAGE

( ) PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

( ) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 101.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

( ) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

(X) OTHER - Pool must comply with Section 625.0 of the BOCA Code as amended by Council Bill #158-88.

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN



BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: August 21, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for August 28, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 21, 50, 53, 54 and 90-507-SPHXA.

For Item 47 (revised) the sewer service to the basement of the house at this location does not appear to be feasible.

*Robert W. Bowling*

ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s

**Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing**

PROPERTY ADDRESS: 11 DELREY AVENUE see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: EAST CATONSVILLE AND TO AMEND THE LAST  
plat book # 215 folio # 215 sections 127-128 and 126 APPROVED PLAN IN ZONING CASE  
OWNER: BRIDGET L. BOWNET AND DON S. BOWNET 89-555-A

LOCATION INFORMATION

Councilmatic District: FIRST  
Election District: FIRST  
1"=200' scale map: SW 3F  
Zoning: D.R. 5.5  
Lot size: 0.310 13492  
square feet

SEWER: ☒ WATER: ☒  
Chesapeake Bay Critical Area: ☒  
Prior Zoning Hearings: 89-555-A

**Zoning Office USE ONLY!**  
reviewed by: JSB ITEM #: 50 CASE#:

Scale of Drawing: 1"= 30'

PETITIONER'S EXHIBIT #

CASE NUMBER: 91-89-A



Petitioners Dwelling With  
Fence in Side Yard

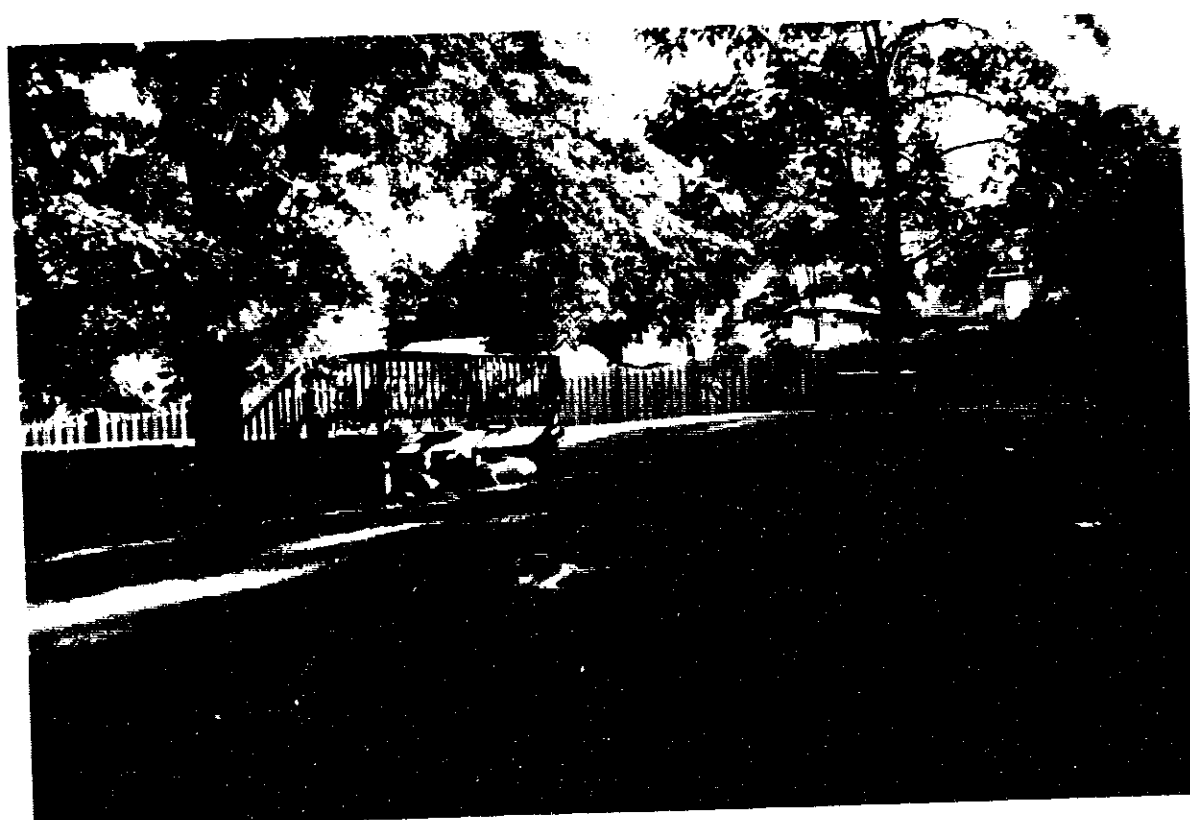


REAR YARD  
Neighbor's Shed Is On The  
Adjoining Lot

**PETITIONER'S EXHIBIT 2**

PETITIONER'S EXHIBIT #

CASE NUMBER: 91-89-A



Deck & Pool in Side Yard

PETITIONER'S EXHIBIT #

CASE NUMBER: 91-89-A



Pool and Deck in  
Side Yard



Nearest Neighboring  
Dwelling Showing Fence/  
Front Yard of Neighbor

